

March 3, 2005

Ex Parte – Via Electronic Filing

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: National Association of State Utility Consumer Advocates' Petition For Declaratory Ruling, CG Docket No. 04-208; Truth-in-Billing and Billing Format, CC Docket No. 98-170
Notice of Oral Ex Parte Presentation

Dear Ms. Dortch:

On March 2, 2005, Paul Garnett, Director, Regulatory Policy, CTIA – The Wireless Association™, along with Christopher Wright of Harris, Wiltshire and Grannis, LLP, met with Commissioner Michael Copps, Jessica Rosenworcel, Legal Advisor, and Paul Margie, Legal Advisor, concerning the above-captioned proceedings. At the meeting, CTIA urged the Commission not to prohibit the use of line items, as advocated by NASUCA, which would result in consumers receiving less information about the growing regulatory costs of services they purchase. The NASUCA petition also would force many wireless carriers to either: (1) have different monthly rate plans in each local taxing jurisdiction to reflect the widely varying taxes and fees; or (2) have a single catch-all monthly charge, which would make customers in low-tax jurisdictions subsidize those in high-tax jurisdictions. As illustrated by the attached letter, CTIA also discussed recent steps state regulators have taken to prevent wireless carriers from informing consumers about state taxes.

CTIA stated that it was not necessary for the Commission to micromanage wireless bills because the wireless industry is robustly competitive and carriers therefore have a strong incentive to make their bills consumer friendly. CTIA pointed out that the CTIA Consumer Code requires wireless carriers to clearly distinguish mandatory fees that are collected from subscribers and paid to the government from other assessments. The CTIA Consumer Code also requires carriers to provide information on taxes, fees, and surcharges at the point of sale, on websites, and in advertising. CTIA urged the Commission to make clear that the use of the line items described in the NASUCA petition is part of a wireless carrier's rate structure, and hence states may not prohibit their use on account of 47 U.S.C. § 332(c)(3)(A).

Pursuant to Section 1.1206 of the Commission's Rules, this letter is being electronically filed with your office. If you have any questions concerning this submission, please contact the undersigned.

Sincerely,

Paul W. Garnett

Paul W. Garnett

Cc: Commissioner Copps
Paul Margie
Jessica Rosenworcel

Attachment